

# **Report on the Activities and Recommendations of the Stormwater Working Group**

Submitted to the full Environmental Review Commission on March 12, 2014

## **Background:**

Section 51.(e) of Session Law 2013-413 directed the Environmental Review Commission (ERC) to study State stormwater programs, including how partially impervious surfaces are treated in the calculation of built-upon area under those programs. The ERC was further directed to report its findings and recommendations to the 2014 Regular Session of the 2013 General Assembly.

In response to the study directive, the ERC Co-Chairs established the Stormwater Working Group, led by Senator Jackson and Representative Samuelson. In addition to studying stormwater issues, the Stormwater Working Group also studied issues related to regulated streams and wetlands. The following is a summary of the activities and the recommendations of the Stormwater Working Group.

## **Stormwater Permeability of Different Surfaces and Materials; Gravel**

### **November 13, 2013 Meeting of the ERC:**

The ERC heard a background presentation on the State stormwater programs, including the annual report on implementation of stormwater runoff rules and programs, from Tracy Davis, Director, Division of Energy, Minerals, and Land Resources, Department of Environment and Natural Resources (DENR). ([PowerPoint Presentation](#))

### **December 10, 2013 Stormwater Working Group Meetings:**

On December 10, the Stormwater Working Group had the following meetings:

- 1:30 PM The Stormwater Working Group met with Dr. Bill Hunt, Associate Professor and Extension Specialist, Department of Biological and Agricultural Engineering, North Carolina State University, regarding the stormwater permeability of different surfaces and materials, especially gravel.
- 2:30 PM The Stormwater Working Group was briefed by staff from DENR and the Environmental Management Commission (EMC) on various issues related to stormwater management, including:
  - The stormwater permeability of different surfaces and materials.
  - Issues related to the exclusion of gravel from built-upon area as defined by Section 51.(a) of S.L. 2013-413.
  - The possibility of the EMC adopting a temporary rule to define gravel.

([DENR Document](#); [EMC Document](#))

### **December 11, 2013, Stormwater Working Group Meetings and Site Visits:**

On December 11, the Stormwater Working Group had the following meetings and site visits:

- 9:00 AM The Stormwater Working Group held a public comment meeting on stormwater permeability of different surfaces and materials, especially gravel, where it heard from the following:
  - Dave Canaan, Director, Mecklenburg County Water and Land Resources
  - Erin Wynia, Legislative and Regulatory Issues Manager, NC League of Municipalities ([League Document](#))
  - Dave Mayes, Stormwater Services Manager, Wilmington

- Rich Cappola, Town Engineer, Morrisville
- Natalie Berry, NC Association of County Commissioners and Assistant County Engineer, Henderson County ([County Document](#))
- Connie Wilson and Bill Arndt, The Carolinas Ready Mixed Concrete Association
- Grady McCallie, NC Conservation Network
- Rick Gaskins, Catawba Riverkeeper Foundation
- John Cox, Water Quality Manager, Durham
- Don O'Toole, Senior Assistant City Attorney, Durham
- Jennifer Buzun, Engineer, City of Durham ([City of Durham Document](#))
- Chris Estes, President, Estes Design (landscape architect from Charlotte)
- 12:30 PM The Stormwater Working Group heard a presentation on the water quality assistance programs of the Department of Agriculture and Consumer Services (DACS) ([DACS Soil and Water Conservation Districts Document](#); [DACS Voluntary Approaches to Stormwater Document](#))
  - Pat Harris, Director, Division of Soil and Water Conservation
  - David Williams, Deputy Director, Division of Soil and Water Conservation
  - Julie Henshaw, Section Chief, Non-point Source Section, Division of Soil and Water Conservation
- 1:30 PM The Stormwater Working Group went on several site visits with DENR and NC State staff at the following:
  - American Institute of Architects North Carolina Center for Architecture and Design where the Stormwater Working Group observed stormwater management structures and practices, such as the facility's rain garden and parking lot surfaced with pervious pavers.
  - Carter-Finley Stadium where the Stormwater Working Group observed various road and parking surfaces, including asphalt, gravel, and grass.
  - Wake Stone Corporation quarry where the Stormwater Working Group was introduced to various types of gravel/aggregate. ([Aggregate Gradation Table Document](#))

The Stormwater Working Group also received a proposed study regarding stormwater permeability of gravel from NC State staff. ([NC State Study Proposal Document](#))

Based on the meetings, site visits, and public comment, the Stormwater Working Group, submits the attached legislative proposal: Clarify Gravel under Stormwater Laws

### **Regulated Streams and Wetlands**

#### **January 13, 2014 Stormwater Working Group Site Visits:**

On January 13, the Stormwater Working Group had the following site visits:

- 12:30 PM The Stormwater Working Group and DENR staff met Art Alexander at his Highway 70/Yeargan Road property to view and discuss the different types of streams (ephemeral and/or intermittent) found on the property.
- 1:15 PM The Stormwater Working Group and DENR staff visited the Walnut Creek Wetland Center in Raleigh to view and discuss urban wetlands.
- 3:00 PM The Stormwater Working Group and DACS staff met John Langdon at his Johnson County farm to discuss water quality issues and best management practices.

#### January 14, 2014 Stormwater Working Group Meetings and Site Visits:

On January 14, the Stormwater Working Group had the following meetings and site visits:

- 9:00 AM The Stormwater Working Group heard a presentation from DACS staff on various DACS programs to assist farmers with water supply and water quality issues. ([DACS Ag Cost Share Program Brochure](#), [DACS AgWRAP Implementation Plan](#), and [Soil and Water Conservation Cost Share Programs](#))
- 9:30 AM The Stormwater Working Group heard a presentation from DENR staff on regulated streams and wetlands. ([DENR Document](#))
- 11:00 AM The Stormwater Working Group and DENR staff visited the Brookhaven Nature Park in Raleigh to view and discuss different types of streams (ephemeral, intermittent, and perennial).
- 2:00 PM The Stormwater Working Group held a public comment meeting on regulated streams and wetlands where it heard from the following:
  - Peter Raabe, North Carolina Conservation Director, American Rivers
  - Art Alexander, property owner ([Document Linked](#))
  - Jim Spangler, President, Spangler Environmental Consultants
  - Tom Bean, Director of Government Affairs, NC Wildlife Federation
  - Jennifer Buzun, Engineer, City of Durham

Based on the meetings, site visits, and public comment, the Stormwater Working Group, submits the attached legislative proposal: Amend Isolated Wetland Regulation